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WHIRLPOOL CORPORATION  
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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10

11 KYONG CHOI, an individual,

12 Plaintiff,

13 v.

14 WHIRLPOOL CORPORATION, a  
Delaware corporation; TOLL  
15 BROTHERS, INC., a Delaware  
corporation; TOLL WEST COAST  
16 LLC, a Delaware limited liability  
company; and DOES 1-10, inclusive,  
17

Defendants.  
18

Case No. 2:22-cv-06728

**DEFENDANT WHIRLPOOL  
CORPORATION'S NOTICE OF  
REMOVAL**

19  
20 **NOTICE OF REMOVAL**

21 Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Whirlpool  
22 Corporation ("Whirlpool"), expressly reserving all rights otherwise to respond to  
23 this lawsuit, hereby removes the above-captioned case, which was filed in the  
24 Superior Court in and for Los Angeles County, Case No. 22CHCV00605, to the  
25 United States District Court for the Central District of California.

26 **PROCEDURAL HISTORY**

27 1. On August 5, 2022, Plaintiff Kyong Choi ("Plaintiff") filed this  
28 product liability action styled *Kyong Choi v. Whirlpool Corporation; Toll Brothers,*

1 *Inc; Toll West Coast LLC; and Does 1-10, inclusive*, Case No. 22CHCV00605 in  
2 the Superior Court of California, County of Los Angeles.

3 2. On August 18, 2022, Plaintiff served their Summons and Petition on  
4 Whirlpool.

5 3. This Court has jurisdiction over this case pursuant to 28 U.S.C. §  
6 1332(a) on the basis of diversity of citizenship and amount in controversy.

7 4. This case is removable pursuant to 28 U.S.C. § 1441(b).

8 5. Pursuant to 28 U.S.C. § 1446(a), Whirlpool has attached to this notice  
9 “a copy of all process, pleadings, and orders served upon” it. *See* **Exhibit A**.

10 6. Defendants Whirlpool and Toll Brothers have answered Plaintiff’s  
11 Complaint in state court. Copies of the Answers are attached as **Exhibit B**.

12 **DIVERSITY OF CITIZENSHIP**

13 7. Plaintiff Kyong Choi is a citizen of the state of California. *See*  
14 Plaintiff’s Complaint ¶ 5.

15 8. Defendant Whirlpool Corporation is a Delaware corporation with its  
16 principal place of business in Michigan. Thus, Whirlpool is a citizen of the states  
17 of Delaware and Michigan.

18 9. Defendant Toll Brothers, Inc. is a Delaware corporation with its  
19 principal place of business in Pennsylvania. Thus, Toll Brothers, Inc. is a citizen of  
20 the states of Delaware and Pennsylvania.

21 10. Defendant Toll West Coast LLC is a Delaware limited liability  
22 company. Its sole member is Toll Bros., Inc., which is a Pennsylvania corporation  
23 with its principal place of business in Pennsylvania. Thus, Toll West Coast LLC is  
24 a citizen of the state of Pennsylvania.

25 11. Whirlpool, Toll Brothers, Inc., and Toll West Coast LLC, the only  
26 parties in interest served as defendants, are not citizens of the state of California.  
27 Therefore, complete diversity exists between all the parties.  
28

**AMOUNT IN CONTROVERSY**

12. The amount in controversy in this case exceeds \$75,000 exclusive of interest and costs.

13. Plaintiff alleges personal injury from a Whirlpool oven in which he alleges that his foot “came into contact with the Razor Sharp Bottom vent” and he “immediately felt searing pain and his foot started bleeding profusely.” Complaint ¶ 15. Plaintiff alleges, further, that the oven “sliced through the top of his right two toes and had cut off a chunk of Plaintiff’s pinky toe.” *Id.*

14. In his Complaint, the Plaintiff states his damages are “for reimbursement of the costs of medical care and other medical expenses which he incurred and for pain and suffering, in excess of \$50,000.” Complaint ¶ 2. Plaintiff “also seeks punitive damages.” *Id.*

15. At one point, during informal discussions between the parties, outside the Complaint, Plaintiff demanded \$70,000 in order to resolve the dispute and to avoid proceeding with litigation. Plaintiff stated that he believed his settlement offer, including his \$70,000 offer, to be “a gift” to Whirlpool, implying that he would be seeking far more than \$75,000 if this matter proceeded with formal litigation. *See Noriega v. Loews Hotel Holding Corp.*, 2019 WL 2296095 (S.D. Cal. May 30, 2019).

16. Plaintiff’s Complaint also demands punitive damages because Defendants “acted with malice because they engaged in despicable conduct with a willful and conscious disregard of the safety of others,” adding to the amount in controversy. Complaint ¶ 32.

17. Accordingly, the amount in controversy requirement has been met to establish subject matter jurisdiction based on diversity.

**OTHER REQUIREMENTS FOR REMOVAL**

18. Whirlpool was served with the Petition on August 18, 2022. Thus, this Notice of Removal is being timely filed within the thirty (30) days of service of

1 initial pleadings pursuant to 28 U.S.C. § 1446(b).

2 19. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) and  
3 1446(a) because the U.S. District Court for the Central District of California, is the  
4 federal judicial district embracing the Superior Court of Los Angeles, California,  
5 where the state court action was originally filed.

6 20. Written notice of the filing of the Notice of Removal will be served on  
7 Plaintiffs' counsel and filed with the Superior Court of Los Angeles, California,  
8 pursuant to 28 U.S.C. § 1446(d).

9 21. Defendants Toll Brothers, Inc. and Toll West Coast LLC consent to  
10 the filing of this removal.

11 22. As of the date of this filing, there are no pending motions in this  
12 matter.

13 **CONCLUSION**

14 WHEREFORE, Defendant Whirlpool Corporation requests that the above-  
15 entitled matter currently pending in the Superior Court of Los Angeles, California,  
16 be removed to the United States District Court for the Central District of California.

17  
18 Dated: September 19, 2022

**BARNES & THORNBURG LLP**

19  
20 By: /s/Joseph M. Wahl

21 Joseph M. Wahl  
22 Attorneys for Defendants  
23 WHIRLPOOL CORPORATION,  
24 TOLL BROTHERS, INC., and TOLL  
25 WEST COAST LLC  
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